

Message Text

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ACTION SS-15

INFO OCT-01 EA-07 ISO-00 DHA-02 CIAE-00 DODE-00 PM-04
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FM AMEMBASSY TAIPEI
TO SECSTATE WASHDC PRIORITY 3775
INFO AMCONSUL HONG KONG
AMEMBASSY JAKARTA
AMEMBASSY KUALA LUMPUR
AMEMBASSY MANILA
USLO PEKING
AMEMBASSY SEOUL
AMEMBASSY SINGAPORE
AMEMBASSY TOKYO
CINCPAC HONOLULU HI

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CINCPAC FOR POLAD

E.O. 11652: N/A
TAGS: PFOR, SHUM, TW, US
SUBJECT: HUMAN RIGHTS

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SUMMARY: THE ADMINISTRATION'S EMPHASIS ON HUMAN RIGHTS
HAS MADE A WIDE IMPACT ON TAIWAN. ALTHOUGH WE BELIEVE
THAT TO DATE THIS IMPACT HAS BEEN MORE SUPERFICIAL THAN
SUBSTANTIVE, OVER THE LONG RUN TAIWAN SEEMS LIKELY TO
MOVE IN THE DIRECTION OF A MORE OPEN, FREE SOCIETY WITH
INCREASED SAFEGUARDS FOR HUMAN RIGHTS. U.S. POLICY SHOULD
ENCOURAGE THIS TREND BY KEEPING OUR GENERAL HUMAN RIGHTS
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CONCERNS ALWAYS BEFORE THE GROC AND RAISING SELECTED
INDIVIDUAL CASES WITH IT. IN THE SHORTER RUN, WE
ANTICIPATE THAT RESPECT FOR HUMAN RIGHTS WILL FLUCTUATE
WITH THE GROC'S PERCEPTION OF ANY INTERNAL THREAT TO ITS
AUTHORITY, AND WITH ITS DECISIONS ON HOW BEST TO
PREPARE FOR THE NORMALIZATION OF U.S./PRC RELATIONS. END SUMMARY.

1. THE ADMINISTRATION'S EMPHASIS ON HUMAN RIGHTS HAS BEEN GENERALLY WELCOMED BY THE POLITICALLY SOPHISTICATED ON TAIWAN. INTELLECTUALS IN PARTICULAR HAVE BEEN PLEASED BY IT, ALTHOUGH THEIR COMMENTS HAVE BEEN EXPRESSED MOSTLY IN PRIVATE. THE GROC'S BASICALLY FAVORABLE ATTITUDE HAS BEEN MIXED WITH CRITICISM THAT THE USG HAS NOT APPEARED TO APPLY ITS HUMAN RIGHTS POLICY TO THE PRC. AS USUAL, THE VAST MAJORITY OF THE POPULATION REMAINS POLITICALLY INERT AND HAS NOT GIVEN EVIDENCE OF HAVING ANY OPINION ON AMERICAN HUMAN RIGHTS POLICY.

2. THERE IS NO DOUBT THAT THE GROC UNDERSTANDS THE IMPORTANCE WHICH THE ADMINISTRATION ATTACHES TO HUMAN RIGHTS, AND HAS BEEN ANXIOUS TO APPEAR FORTHCOMING ON THE ISSUE. PROBABLY IN REACTION TO AND IN ANTICIPATION OF THE NEW ADMINISTRATION'S PUBLIC EMPHASIS ON HUMAN RIGHTS, THE GROC BEGAN TO MOVE LAST FALL TO REFURBISH ITS HUMAN RIGHTS IMAGE. (THE PREMIER DID THIS DURING CODEL MORGAN'S DECEMBER VISIT.) SINCE THEN, "POLITICAL" CASES HAVE BEEN GIVEN UNPRECEDENTEDLY DETAILED PUBLIC EXPLANATIONS, WITH EMPHASIS ON THE LEGAL PROCEDURES INVOLVED. AT THE SAME TIME, THE WHOLE ISSUE OF HUMAN RIGHTS HAS BECOME A LEGITIMATE TOPIC FOR PUBLIC DISCUSSION. THERE HAVE BEEN FAIRLY FREQUENT PRESS REPORTS ON ALLEGED FAILURE TO RESPECT INDIVIDUAL HUMAN RIGHTS IN POLICE INTERROGATIONS, AND THE ISSUE HAS BEEN DISCUSSED IN THE LEGISLATIVE AND CONTROL YUANS (SEE TAIPEI 8481).

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3. THE GROC'S PERCEPTION OF THE IMPORTANCE THE USG ATTACHES TO HUMAN RIGHTS HAS BEEN SHARPENED BY EMBASSY ACTIVITIES. WE HAVE RAISED THE ISSUE AND COMMUNICATED ITS IMPORTANCE TO ALL LEVELS OF THE GROC IN PRIVATE CONVERSATIONS. THE AMBASSADOR, DRAWING ON RELEVANT PUBLIC STATEMENTS OF THE PRESIDENT AND THE SECRETARY (WHICH WERE WIDELY DISTRIBUTED BY USIS), ADDRESSED THE SUBJECT IN HIS COMMENCEMENT SPEECH TO MORRISON ACADEMY ON MAY 30. SINCE THE NEW ADMINISTRATION'S INAUGURATION, THE EMBASSY HAS RAISED MORE THAN FIVE HUMAN RIGHTS CASES (SOME INVOLVING MORE THAN ONE PERSON) WITH MOFA AND TO DATE HAS RECEIVED RESPONSES ON ALL BUT ONE. A HUMAN RIGHTS COORDINATOR, WORKING UNDER THE SUPERVISION OF THE POLITICAL COUNSELOR AND THE REVIEW OF THE AMBASSADOR, HAS FREQUENT CONTACT WITH GROC AND KMT OFFICIALS, POLITICIANS, NEWSPAPERMEN AND INTELLECTUALS ON THE SUBJECT OF HUMAN RIGHTS.

4. THE PRACTICAL RESULTS OF OUR EMPHASIS ON HUMAN

RIGHTS HAVE BEEN MIXED. THERE IS A GENERAL BELIEF --
EVEN SHARED BY MANY CRITICS OF THE GROC -- THAT THE
HUMAN RIGHTS SITUATION HERE HAS SOMEHOW IMPROVED THIS
YEAR. MOST PEOPLE BELIEVE THAT THE GROC IS MOVING MORE
CAUTIOUSLY IN AREAS OF HUMAN RIGHTS CONCERN, AND THAT
WITHOUT THE AMERICAN EMPHASIS ON HUMAN RIGHTS, THE
GROC MIGHT HAVE SUCCUMBED TO A TEMPTATION TO CLAMP
DOWN IN ANTICIPATION OF THE NOVEMBER LOCAL ELECTIONS
AND THE POSSIBILITY OF NORMALIZATION OF OUR RELATIONS WITH THE
PRC. THE GOVERNMENT'S INCREASED CONCERN FOR OBSERVING THE FORMS
OF RESPECT FOR HUMAN RIGHTS IS ALSO EVIDENT IN THE
RECENT DECISION OF THE JUDICIAL YUAN TO HAVE THE SUPREME
COURT HANDLE APPEALS BY INTRODUCING ORAL ARGUMENT INTO
THE PROCEEDINGS RATHER THAN LIMITING ITSELF, AS IT HAS
IN THE PAST, TO A REVIEW OF LOWER COURT DOCUMENTS.
THE JUDICIAL YUAN IS ALSO WORKING ON A REFORM OF THE
COUNCIL OF GRAND JUSTICES AND OF THE ADMINISTRATIVE
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COURT IN ORDER TO MAKE THESE BODIES MORE RESPONSIVE TO
CITIZEN PETITIONS OF GRIEVANCE.

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INFO AMCONSUL HONG KONG

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5. IMPROVEMENTS TO DATE, HOWEVER WELCOME, HAVE NOT YET ALTERED THE BASIC FACT THAT HUMAN RIGHTS ARE HONORED BY THE GRACE AND FAVOR OF THE GROC, AND NOT BY THE INDEPENDENT SANCTION OF LAW. CHINESE GOVERNMENTS HAVE TRADITIONALLY REGARDED LAW AS A MEANS OF CONTROL AND NOT AS PROTECTION FOR INDIVIDUAL RIGHTS. THE PROVISIONS OF MARTIAL LAW, WHICH ALLOW THE GROC WIDE LATITUDE IN THE OBSERVANCE OF HUMAN RIGHTS, ARE STILL IN EFFECT. IT IS UNLIKELY THAT THIS SITUATION WILL CHANGE QUICKLY, PARTICULARLY AS LONG AS THE GROC FACES THE COMMUNIST THREAT FROM PEKING, AS WELL AS THE POLITICAL AND SECURITY UNCERTAINTIES IT PERCEIVES ATTENDANT UPON U.S. NORMALIZATION POLICY. WE BELIEVE THAT THERE ARE THOSE IN THE GROC WHO ARGUE THAT ANY GREATLY INCREASED RESPECT FOR HUMAN RIGHTS, AND THE WEAKENING OF GOVERNMENT CONTROL WHICH THAT WOULD IMPLY, WILL ONLY INCREASE THE LIMITED OFFICIAL USE

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RISKS OF DOMESTIC INSTABILITY WITHOUT CAUSING THE U.S. TO ALTER ITS CHINA POLICY IN A WAY MORE FAVORABLE TO THE GROC. AS LONG AS NORMALIZATION LOOMS, WE EXPECT THIS ARGUMENT TO MILITATE SUCCESSFULLY AGAINST ANY FUDAMENTAL IMPROVEMENT IN RESPECT FOR HUMAN RIGHTS, SUCH AS THE ABOLITION OF MARTIAL LAW OR THE ESTABLISHMENT OF A TRULY INDEPENDENT CIVIL JUDICIAL SYSTEM.

6. OVER THE LONGER RUN, AND PARTICULARLY AFTER THE DUST SETTLES FOLLOWING NORMALIZATION, WE BELIEVE THAT THE GROC WILL CONTINUE TO MOVE SLOWLY BUT SURELY IN THE DIRECTION OF A MORE OPEN, LIBERAL SOCIETY WITH STRONG INDEPENDENT LEGAL GUARANTEES OF HUMAN RIGHTS. INDEED, LOOKING AROUND EAST ASIA, IT APPEARS FROM HERE THAT TAIWAN MAY HAVE MORE POTENTIAL FOR MAKING REAL ADVANCES IN THIS DIRECTION OVER THE NEXT TEN YEARS THAN MOST OF ITS NEIGHBORS. IT HAS A LARGE AND STABLE MIDDLE CLASS WHICH BY AND LARGE KNOWS THAT IT STANDS TO BENEFIT FROM INCREASED RESPECT FOR HUMAN RIGHTS, AND WITHIN THE GOVERNMENT AND PARTY THERE IS A LARGE AND GROWING NUMBER OF OFFICIALS, PARTICULARLY YOUNGER ONES, WHO BELIEVE TAIWAN MUST AND WILL MOVE IN THIS DIRECTION.

7. U.S. HUMAN RIGHTS POLICY IN TAIWAN DOES NOT NEED TO SHOCK THE GVERNMENT INTO AN AWARENESS OF THE ISSUE. THE TREND IS RUNNING IN THE RIGHT DIRECTION. UNDER THESE CIRCUMSTANCES, U.S. POLICY SHOULD ABOVE ALL SEEK TO WORK THROUGH THOSE INFLUENTIAL PEOPLE IN AND OUT OF THE GOVERNMENT AND KMT WHO SUPPORT INCREASED SAFEGUARDS FOR HUMAN RIGHTS. IT SHOULD

CONTINUE, THROUGH USIS AND PRIVATE EMBASSY CONTACTS, TO INCREASE AN ALREADY WIDESPREAD UNDERSTANDING AND APPRECIATION OF THE HUMAN RIGHTS ISSUE AND THE IMPORTANCE THE USG ATTACHES TO RESPECT FOR HUMAN RIGHTS THROUGHOUT THE WORLD. OUR INTEREST IN INDIVIDUAL CASES SHOULD BE CAREFULLY CONSIDERED AND EXPRESSED. WE SHOULD CONFINE OUR DETAILED INQUIRIES TO THE GROC TO THOSE CASES IN WHICH WE HAVE GOOD REASON TO BELIEVE THE GROC HAS ACTED IN WAYS WHICH VIOLATE INTERNATIONAL NORMS. LIMITED OFFICIAL USE

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IN PARTICULAR, WE SHOULD TRY TO PURSUE THOSE CASES PRIMARILY CONCERNING PERSONS WHO APPEAR TO BE "PRISONERS OF CONSCIENCE" AND WHO HAVE HAD NO ASSOCIATION WITH VIOLENCE. IN THIS WAY, WE WILL STRENGTHEN LIBERAL FORCES ON TAIWAN VIS-A-VIS THOSE ARGUE THAT INCREASED RESPECT FOR HUMAN RIGHTS CAN ONLY BE ACHIEVED AT THE COST OF INCREASED CRIMINAL ACTIVITY AND A BREAKDOWN OF SOCIAL ORDER.

8. WE REALIZE, OF COURSE, THAT WE WILL CONTINUE TO RECEIVE REQUESTS FOR INFORMATION ON INDIVIDUAL CASES FROM PRIVATE ORGANIZATIONS AND INDIVIDUALS AS WELL AS CONGRESS. WE PROPOSE TO CONTINUE TO RESPOND TO THOSE REQUESTS TO THE BEST OF OUR ABILITY, BUT AS FAR AS POSSIBLE TO CONFINE OUR APPROACHES TO THE GOVERNMENT HERE TO THOSE CASES WHICH SATISFY THE CRITERIA MENTIONED IN THE PRECEDING PARAGRAPH. UNGER

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